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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,068	12/26/2000	Hisashige Ando	1614.1107	1994

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EXAMINER

PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,068

Applicant(s)

ANDO, HISASHIGE

Examiner

Daniel Pan

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2183

1. Claims 1-16 remain for examination. Claims 17-19 have been canceled.

Upon further review, the following issue has been raised by examiner. This is a non-final action in order to allow applicant a chance to respond.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The reasons are given below.

3. As to claims 1,9, examiner believes that the claims are meant to be statutory and appreciated applicant's cooperation to cancel rejected claims. However, upon further review into the specification. Although claim 1 (see also claim 9) is reciting the processing device including the first processor and second processor to execute the instruction set, it is not limited to hardware implementation based on the specification. In fact, it includes the non-hardware implemented operation (see Page 19, lines 15-2, page 23, lines 36-37, page 24, lines 1-3). The "non-hardware implemented operation" is confusing, and raised a doubt as to whether applicant's claimed invention is restricted to hardware implementation or non-hardware implementation ? Therefore, for the above reason, applicant is suggested to clarify the issue in the remarks, or preferably into the claim to show the claimed invention is restricted to hardware. As to the language set forth in claim 1 : "capable of executing" , examiner would like to suggest use more defined language , such as "are executed", or the like to clearly define the scope. The focus is not on the feature or steps to achieve the final result which is useful, tangible,

Art Unit: 2183

and concrete, but rather than the final result achieved which is useful, tangible, and concrete (see 101 Interim Guidelines page 20). The "capable of executing" is not a final result. Correction to the language is suggested.

4. As to the dependent claims 2-8,10-16, examiner would like to reserve his position depending upon applicant's response since the dependent features, such as interrupting and allocating to the processor do related to practical application.

5. Claims 1,9 are allowable over the art of record, upon pending condition of "101", for reciting the detailed combined features of, for example, first processor having single program counter, the second processor having plurality of counters for executing processes simultaneously, and the series of instructions by the first processor separate and independent from the series of instructions executed by the second processor. Helenius showed processors corresponding to the variety of processes (Col. 2, lines 30-45) . Hoff disclosed separate and independent processes (see program processed by p1 and program processed by p2 in fig.1). However, neither Helenius nor Hoff disclosed the first processor including a single program counter and the second processor including plurality of program counters, nor the combined features as set forth in clams 1 and 9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

Art Unit: 2183

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
GROUP